## FAX TRANSMISSION

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GROUP 1600

DATE:

July 9, 2002

PTO IDENTIFIER:

**Application Number** 

09/726,643

**Patent Number** 

Inventor:

Ni et al.

MESSAGE TO:

H. Robinson

**FAX NUMBER:** 

(703) 308-4242

FROM:

HUMAN GENOME SCIENCES, INC.

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PZ040P1

PAGES (Including Cover Sheet):

14

CONTENTS:

Reply with Amendments and Request for Reconsideration Under 37

C.F.R. \$1.111; Version with Markings to Show Changes Made; Fee

Transmittal Sheet (in duplicate)

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HUMAN GENOME SCIENCES, INC.

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PTO/SB/17 (11-01)

Approved for use through 10/31/2002 OMB 0651-0032

U.S. Patent and Tragerrank Office, U.S. DEPARTMENT OF COMMERCE

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| FEE TRANSMITTAL for FY 2002   |                    | Complete If Known             |         |             |   |  |
|---|--------------------|-------------------------------|---------|-------------|---|--|
|   |                    | Application Number 09/726,643 |         |             |   |  |
|   |                    | Filing Date                   |         | INGIND      | December 1, 2000  |  |
|   |                    | First Named Inventor          |         |             |   |  |
| Patent lees are subject to annual revision.   |                    |                               | ner N   |             | H. Robinson   |  |
|   |                    |                               |         |             |   |  |
| Applicant claims small entity status. See 37 CFR 1.27   |                    | Group                         |         |             | 1653  |  |
| TOTAL AMOUNT OF PAYMENT (\$) 0.00   |                    | Attorn                        | ey Do   | cket No     | o. PZ040P1  |  |
| METHOD OF PAYMENT (check all that apply)  |                    |                               |         | FEE         | E CALCULATION (continued)   |  |
| Check Card Money Other None   | 3. ADDITIONAL FEES |                               |         |             |   |  |
| Deposit Account   |                    |                               |         | <del></del> |   |  |
| Depo≤it<br>Account <b>08-342</b> 5  | Fee                | Foo                           | Fue     | Foe         | <del>-</del>  |  |
| Number  | Code               | (\$)                          | Code    | (\$)        | Fee Description Fee Paid  |  |
| Deposit<br>Account Human Genome Sciences, Inc   | 105                | 130                           | 305     | 65          | Surctuarge – rate filing tee or oath  |  |
| Name The Commissioner is nerepy authorized to: (check all that apply)                                   | 127                | 50                            | 227     | 25          | Surcharge – Iste provisional filing tee or cover<br>aneet                             |  |
| Charge legis) indicated below   | 139                | 130                           | 139     | 130         | Non-English specification   |  |
| Charge any aggreenal text(a) during the gendency of this  | 147                | 2,520                         | 147     | 2.520       | _ ·   |  |
| application   | i                  | •                             |         |             | For filing a request for ex parte recommended  Requesting publication of SiR prior to |  |
| Charge tou(s) indicated below, except for the filing fee  | 112                | 920*                          | 112     | 920*        | Examiner action Requesting publication of SiR after                                   |  |
| to the above-identified deposit account.  | 113                | 1,840*                        | 113     | 1.840*      | Examiner action   |  |
| FEE CALCULATION  1. BASIC FILING FEE  | 115                | 110<br>400                    | 215     | \$5<br>200  | Extension for reply within tirst month  |  |
| Large Entity Small Entity   | 117                | 920                           | 217     | 460         | Extension for reply within second month  Extension for reply within third month       |  |
| For For For For Fee Description   | 118                | 1,440                         | 218     | 720         | E.dension for reply within fourth month   |  |
| Code (\$) Code (\$) Fee Paid  | 128                | 1.960                         | 228     | 960         | Expension for reply within fifth mornin   |  |
| 106 330 206 185 Design hing fee   | 119                | 320                           | 219     | 160         | Nouce of Appeal   |  |
| 107 510 207 255 Plant filing tee  | 120                | 320                           | 220     | 160         | Filing a brief in support of an appear  |  |
| 108 740 208 370 Resource filling fee:   | 121                | 280                           | 221     | 140         | Request for oral nescing  |  |
| 114 160 214 80 Provisional tring fee  | 138                | 1,510                         | 138     | 1,510       | Petition to institute a public use proceeding   |  |
| SUBTOTAL (1) (5) 0 00   | 140                | 110                           | 240     | 55<br>640   | Petition to revive - unavoidable  Petition to revive - unintentional                  |  |
| 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE   | 142                | 1,280                         | 242     | 640         | Utility (89up 10c (or resours)  |  |
| Extra Fee from Fee Paid   | 143                | 460                           | 243     | 230         | Design issue tee  |  |
| Total Claims -20** = K  | 144                | 620                           | 244     | 370         | Plant issue tee   |  |
| Independent -3  | 122                | 130                           | 122     | 130         | Petitions to the Commissioner   |  |
| Multiple Dependent  | 123                | 50                            | 123     | 50          | Processing the unger 37 CFR ( 17(q)   |  |
| Large Entity Small Entity   | 126                | 180                           | 126     | 180         | Submission of Information Disclosure Simi   |  |
| For Fee Fee Fee Fee Description   | 581                | 40                            | 581     | 40          | Recording each patent assignment per  |  |
| 103 10 203 9 Claims in excess of 20   | 146                | 740                           | 246     | 370         | Property (times number of properties) Filing a submission after final rejection       |  |
| 102 84 202 42 Independent claims in excess of 3   |                    |                               |         |             | (37 ČFR 1 129(4))   |  |
| 104 280 204 140 Multiple dependent claim, it not paid   | 149                | 740                           | 249     | 370         | For each additional invention to be   |  |
| 109 84 209 42 "Reissue independent diaims over original patent  | 179                | 740                           | 279     | 370         | Request for Continued Examination (RCE) Request for expedited examination             |  |
| 110 18 210 9 " Renadue clasms in excess of 20   | 169                | 900                           | 169     | 900         | of a design application   |  |
| and over onginal patent   |                    | tee (spe                      | •       |             |   |  |
| SUBTOTAL (2) (5) 0 00   | "Red               | iced by I                     | Вазіс Р | iling Fee   | Paid SUBTOTAL (3) (S) 0 00  |  |
| "or number previously paid, it greater, Fot Reissues, see apove  Submitted BY  Complete (it applicable) |                    |                               |         |             |   |  |
|   | Regist             | ταιιόπ Νι                     | 3 Tax   | 2.000       | Complete (if applicable)  |  |
| Name (PrintType) Janet M. Martineau   |                    | өу/Адөпі<br>1                 |         | 5,903       | Telephone (301) 315-2723  |  |
| Signature Mill Min  | <u> </u>           | <u> </u>                      |         |             | Date July 9, 2002   |  |
|   | /                  |                               |         |             |   |  |

PTO/SB/97 (12-97) Approved for use through 9/30/00. OMB 0651-0031 Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

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Reply with Amendments and Request for Reconsideration Under 37

C.F.R. §1.111 and

Version with Markings to Show Changes Made.

Fee Transmittal Sheet (in duplicate)

#10/Amolt B

Docket No.: PZ040P1

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Ruben et al.

Application No.: 09/726,643

Group Art Unit: 1656

Filed: December 1, 2000

Examiner: A. Spiegler

For: 26 Human Secreted Proteins

# REPLY WITH AMENDMENTS AND REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. § 1.111

Commissioner For Patents Washington, D.C. 20231

Sir:

In response to the Office Action mailed May 31, 2002 and an interview with the Examiner on June 26, 2002, Applicants herein submit a reply with amendments and concurrently submit herewith: (a) Version With Markings To Show Changes Made; and, (b) a Fee Transmittal sheet, with appropriate fee.

Please amend the application as follows:

#### In the Claims:

Please cancel claims 11, 12, and 14 without prejudice or disclaimer.

Please amend claims 36, 38-56, 61, 66, and 71 as follows:

-- 36. (Once Amended) An isolated first polypeptide at least 90% identical to a second polypeptide consisting of amino acid residues 19 to 79 of SEQ fD NO:56, wherein said first polypeptide is capable of being used to generate or select an antibody that specifically binds the second polypeptide.